

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MYRTIS PAULO HART,**

**Plaintiff,**

**v.**

**No. 21-cv-0186 JB/SMV**

**NORTHWEST NEW MEXICO CORRECTIONAL FACILITY  
and FNU JUDD,**

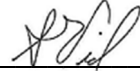
**Defendants.**

**ORDER GRANTING *IN FORMA PAUPERIS* MOTION**

THIS MATTER is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2], docketed on March 1, 2021. Plaintiff's financial information reflects he is unable to prepay the \$402 filing fee for his civil rights complaint. The Court will therefore grant the Motion, which waives the prepayment requirement. *See* 28 U.S.C. § 1915(a). Prisoners must generally make an initial partial payment equal to 20% of the greater of: "(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint." § 1915(b)(1). However, it is not clear that Plaintiff filed the case while incarcerated. The Complaint reflects he is detained at the Northwest New Mexico Correctional Facility in Grants, but the return envelope indicates Plaintiff mailed the pleading from a residential return address in Albuquerque. *See* [Doc. 1] at 1, 4. Accordingly, the Court declines to assess an initial payment, but Plaintiff is reminded that he remains obligated to pay the filing fee at a later time.

**IT IS THEREFORE ORDERED** that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] is **GRANTED**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**